ENFORCEMENT REFERRAL

TO: Monroe County Waste Authority
Police Department
183 Commercial Blvd.
Blakeslee, PA 18610
Office: 570-643-6100|Fax:570-643-6112

FROM: Monroe County Conservation District
8050 Running Valley Road
Stroudsburg, PA 18360

CONTACT NAME: Lori Kerrigan/Adam Schellhammer **PHONE:** 570-629-3060

DATE OF REFERRAL: June 18, 2019

CASE NAME: South Ridge Estates- 1072 Bear Swamp Road
South Ridge Estates- 1037 Bear Swamp Road
South Ridge Estates- 1064 Bear Swamp Road

MUNICIPALITY: Price Twp**.** **COUNTY:** Monroe

RECEIVING WATERCOURSE: Leas Run

SPECIAL PROTECTION WATERCOURSE: HQ-CWF, MF

RESPONSIBLE PARTY: See Home Owner Below (Trucking company not yet confirmed by MCCD; however the complainant (arrived via DEP complaint hotline) stated that Keila Transport was dumping the material)
CONTACT INFORMATION:

PROPERTY OWNER: Carmelle Dowdy-Allen for 1072 Bear Swamp Road
CONTACT INFORMATION: (347) 217-3314, carmelleallen@gmail.com

TYPE OF PROJECT: Fill site- Residential Subdivision

VIOLATION(S) OBSERVED: Suspected unclean fill**,** Lack of E&S BMP's, No development of an E&S Plan
- 1072 Bear Swamp- approximately 20-30 loads of material.
- 1037 and 1063 Bear Swamp Road contains two loads of material each**.**

INSPECTION DATE: 6/18/19

CORRESPONDENCE DATE: 6/18/19

ATTACHMENTS: Photos, Inspection report

NOTES:

- 1072 Bear Swamp- Carmelle stated that her husband (a contractor who works in New York) is the person who arranged delivery of the material- he was not home at the time of the inspection. She stated that other neighbors also received material from the same company, but she does not know the individual/ company. FP-001 forms not obtained by homeowner, and Carmelle stated that the trucking

company left no documentation for the material delivered. Approximately 20-30 loads of material delivered, potentially more. Some material placed and spread in the front of the dwelling (sandy in nature and not stabilized). Most material spread/ stockpiled behind the dwelling to "make a back yard and for installation of a proposed deck". Garbage/ municipal waste observed in multiple areas onsite. Excavator onsite but not operating at time of inspection. Fresh tire tracks observed in driveway and on pavement for Bear Swamp Road from a delivery earlier today (6/18/19). No active deliveries or dumping at the time of inspection. Carmelle stated material started being imported to the site about a week to a week and a half ago. MCCD requested no additional importation of material, cease all ED, implement E&S BMP's and provide temporary stabilization immediately. MCCD requested that the name of the individual and/or trucking company be obtained and provided to MCCD- Carmelle stated that she would provide this information after talking to her husband (no contact to date with a voicemail left on 7/2/19)

- 1037 Bear Swamp- Owner: Elexzena Smith. Site Representative was Elexzena Steward. She stated her husband (also not home at time of inspection) arranged for delivery of the two loads of material to level out yard. Soil imported approximately 1.5 weeks ago and other neighbors received material as well including the house across the street (1064 Bear Swamp). Fill delivered quickly according to Elexzena. Some metal observed within the two stockpiles, but mostly soil/ aggregate. Elexzena's phone number is 347-774-5170

- 1064 Bear Swamp- Owner: Lee Garnett. Lee not home at time of inspection (business card left at house), but Lee called our office later in the day. He stated that material came out of NJ and that others in the neighborhood also received material from the same company. Lee did not know the company off hand, but would look into it and call me back (no additional contact to date). Two separate loads of material delivered onsite. One pile is red in color and contains a charcoal/ burnt smell to it with some waste observed within it. Other pile is sandy and contains plastic/ garbage in it. Lee's phone number is 917-968-7526. Tried to call back on 7/2/19 but voicemail box was full.

3150-FM-BWEW0092 Rev. 1/2016

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

Permit No. _____
Report No. 1

EARTH DISTURBANCE INSPECTION REPORT

Project Name 1072 Bear Swamp Road **Inspection Date** 6/18/19 **Inspection Time** 10:50am

Weather Conditions Rain, approximately 70°F **Total Project Area** 0.86 Acres

Location 1072 Bear Swamp Road **Total Disturbed Area** ~0.4 Acres

Municipality Price Township **County** MONROE

Receiving Water(s) Leas Run **Designated/Existing Use** HQ-CWQ,MF

Responsible Party(s) Carmelle Dowdy-Allen

(name & address) 1072 Bear Swamp Road
East Stroudsburg, PA 18302

Phone (347) 217-3314 ( )

Site Representative (name) Carmelle Dowdy-Allen
(title) Owner

Inspector (name) Steven Baade
(title) Resource Conservationist, MCCD

Type of Inspection (check only one)

Routine complete ☐ Routine partial ☐ Follow-up ☐ Complaint ☒ Final ☐

Photographs Taken Yes ☒ No ☐

Site Description & Observations

1. Multiple loads of soil imported into the site without development of an Erosion and Sediment Control Plan (a,b,d)

2. Soil spread to the north of the onsite dwelling in multiple locations, and soil stockpiled and spread in most areas to the south of the onsite dwelling without implementation of Erosion and Sediment Control (E&S) Best Management Practices (BMP) (d,w)

3. Site representative stated her husband is the individual who coordinated importation of the soil and that she did not have any FP-001 forms or paperwork for the soil that had been imported to the site, and she did not know where the material came from. Site representatives' husband is a contractor in New York and she attempted to contact him at the time of inspection to identify the source of the material and the company importing the soil.

☒ **Continued on page 2 of 4.**

Permit and Plan Requirements

Y	N	
☒	☐	Written Erosion & Sediment Plan required
☐	☒	Written Post Construction Stormwater Management Plan required
☒	☐	Erosion & Sediment Plan requested
☐	☒	Post Construction Stormwater Management Plan requested
☐	☒	E & S Permit required ☐ ESCGP Permit required
☐	☒	NPDES Permit required
		☐ Phased Constr. ☐ Non-Phased Constr.

Permit #: _____ Exp. Date: _____

Type of Activity (check as many as appropriate)

		☒	Other Dumping
☐	Pub. Road Constr./Maint. (PRC)	☒	Pvt. Road/Residence (PRRS)
☒	Res. Subdivision (RSBD)	☐	Comm./Indust. Dev. (CMIN)
☐	Govmt. Facilities (GOV)	☐	Recreation Facilities (RECF)
☐	Utilities Facilities (UTL)	☐	Agricul. Activities (AGA)
☐	Sewer/Water Systems (SWS)	☐	Pipeline (PL)
☐	Remediation/Restoration (RRES)	☐	Silviculture (SILV)

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BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

Permit No. _____
Report No.1

EARTH DISTURBANCE INSPECTION REPORT

Project Name 1072 Bear Swamp Road **Inspection Date** 6/18/19

Continuation Sheet

Site Description & Observations

4. Site representative stated soil was being imported to the site to level out the yard areas and to fill the southern portion of the property to make a yard and allow for installation of a deck.

5. The nature of the onsite material is a mixture of sandy/ loamy, red/ brown soil with multiple piles containing what appears to be municipal solid waste (glass, plastic, carpet, cloth, etc.) mixed with stone, block and soil.

6. Site representative stated that the soil was imported approximately 1 week ago. Multiple other residences in the general vicinity of this site also had soil delivered with what appears to be the same general soil characteristics approximately 1 to 1.5 weeks ago according to another source.

7. Sediment tracking observed onto Bear Swamp Road without implementation of a rock construction entrance (d,w)

8. Soil spread onsite remains disturbed and has not received permanent and or temporary stabilization (d,s,t,w).

9. MCCD requested no additional importation of soil to the site and no additional earth disturbance to occur onsite except for installation of E&S BMP's.

Compliance Assistance Measures Requested by Monroe County Conservation District

1. It is recommended that all earth disturbance activities onsite cease except for installation of E&S BMP's.

2. As discussed onsite; once the source of the imported soil and the company transporting the soil is identified, provide this information along with any additional information to MCCD.

3. Immediately install adequately sized perimeter control E&S BMP's (i.e. silt fencing, compost filter sock,, etc.) below all disturbed areas onsite and install an adequately sized rock construction entrance at the transition between disturbed area and undisturbed area- soil tracked onto Bear Swamp Road should be removed and returned onsite.

4. Provide immediate temporary and/ or permanent stabilization to all disturbed areas onsite with straw or hay mulch applied at a rate of 3 tons mulch/ acre until the source and nature of the material can be determined.

5. Submit a copy of the E&S Plan (to be developed and implemented) to MCCD for review.

Follow-up Inspection will occur on or about (date) 7/9/19

(Signature of Site Representative)	6/18/19 (Date)	(Inspector's Signature)	6/18/19 (Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

Permit No. _____
Report No. 1

EARTH DISTURBANCE INSPECTION REPORT

Project Name 1072 Bear Swamp Road **Inspection Date** 6/18/19

Inspection Findings	**Reference**
No violations observed at this time.	☐ (N/A)
a. Failure to develop a written Erosion and Sediment (E&S) Plan.	☒ (102.4)
b. Failure to have an E&S Plan available onsite.	☒ (102.4)
c. Failure to submit an E&S Plan as requested.	☐ (102.4)
d. Failure to implement effective E&S Best Management Practices (BMPs).	☒ (102.4)
e. Failure to maintain effective E&S BMPs.	☐ (102.4)
f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters.	☐ (102.4)
g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities.	☐ (102.5)
h. Failure to obtain an E&S Permit.	☐ (102.5)
i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan.	☐ (102.5)
j. Failure to submit a Notice of Termination (NOT).	☐ (102.7)
k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan.	☐ (102.8)
l. Failure to have PCSM Plan/Restoration Plan available onsite.	☐ (102.8)
m. Failure to submit PCSM Plan/Restoration Plan as requested.	☐ (102.8)
n. Failure to implement effective PCSM BMPs.	☐ (102.8)
o. Failure to maintain effective PCSM BMPs.	☐ (102.8)
p. Failure to perform reporting and recordkeeping as required.	☐ (102.8)
q. Failure to implement riparian buffer or riparian forest buffer.	☐ (102.14)
r. Failure to meet regulatory requirements for riparian forest buffer.	☐ (102.14)
s. Failure to provide temporary stabilization of the earth disturbance site.	☒ (102.22)
t. Failure to provide permanent stabilization of the earth disturbance site.	☒ (102.22)
u. Failure to comply with permit conditions.	☐ (402 CSL)
v. Sediment or other pollutant was discharged into waters of the Commonwealth.	☐ (401 CSL)
w. Site conditions present a potential for pollution to waters of the Commonwealth.	☒ (402 CSL)
x. Failure to comply with a Department Order.	☐ (402, 611 CSL)
y. Failure to comply with PCSM long-term operation and maintenance requirements.	☐ (102.8)
z. Failure to conduct a preconstruction meeting.	☐ (102.5)
aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit.	☐ (102.6)
bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit.	☐ (102.43)

☒ **Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 *et seq.***

Additional information regarding these violations can be found on the back of this page.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to $10,000 per day in civil penalties, up to $10,000 in summary criminal penalties, and up to $25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

Monroe County Conservation District
8050 Running Valley Road
Stroudsburg PA 18360
570-629-3060

MONROE COUNTY
CONSERVATION DISTRICT

Conserving Natural Resources for the Future

June 18, 2019

Carmelle Dowdy-Allen
1072 Bear Swamp Road
East Stroudsburg, PA 18302

Re: 1072 Bear Swamp Road
Price Township, Monroe County, PA
High Quality Waters

Dear Ms. Dowdy-Allen:

On June 18, 2019, representatives of the Monroe County Conservation District conducted an inspection of earth disturbance activities at the site referenced above. A copy of the inspection report is enclosed for your use.

The Monroe County Conservation District, by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints and inspect earth disturbance activities to determine compliance with the Chapter 102 Erosion and Sediment Control regulations and the Clean Streams Law.

If you have any questions regarding this matter, please contact me at 570-629-3060.

Sincerely,

Steven Baade
Resource Conservationist
SB/bb

Enclosure
cc: DEP Solid Waste c/o Amy Faulch (via email)
Monroe County Municipal Waste Management Authority c/o Jacqueline Bagu and James Lambert (via email)
DEP c/o Dean Ritter and Carl Deluca (via email)
Price Township Supervisors (via email)
File

Photo 1

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:45am

Comments: Imported fill spread and stockpiled onsite. Photo taken behind 1072 Bear Swamp Road look to west (1074 Bear Swamp Road is in background)

Photographer: Steven Baade

Photo 2

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:45am

Comments: Fill at 1072 Bear Swamp Road. Fill shown contains visible pieces of both hard and soft plastics. 1074 Bear Swamp Road in the background.

Photographer: Steven Baade

Photo 3

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:47am

Comments: Fill at 1072 Bear Swamp Road. Fill shown contains visible sections of a plastic bag.

Photographer: Steven Baade

Photo 4

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:49am

Comments: Fill at 1072 Bear Swamp Road. Fill shown contains visible sections of carpet along with other solid waste.

Photographer: Steven Baade

Photo 5

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:46am

Comments: Fill at 1072 Bear Swamp Road. Fill shown contains visible fabric and plastic.

Photographer: Steven Baade

Photo 6

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:49am

Comments: Fill at 1072 Bear Swamp Road. Fill shown contains a visible piece of fabric.

Photographer: Steven Baade

Photo 7

Case Name: South Ridge Estates- 1072 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:51am

Comments: Fill placed and spread in the front of the dwelling at 1072 Bear Swamp Road. Picture taken standing on Bear Swamp Road looking to the southwest at 1072 Bear Swamp Road.

Photographer: Steven Baade

Photo 8

Case Name: South Ridge Estates- 1064 Bear Swamp Road
Municipality: Price Township
County: Monroe
Date/ Time: 6/18/19 @ 10:32am

Comments: Fill stockpiled at 1064 Bear Swamp Road. Fill contains a visible section of plastic.

Photographer: Steven Baade